

earnings test. It is an anachronism left over from the Depression era.

Mr. President, I want to thank Senator ROTH, and I want to thank Senator MOYNIHAN for his efforts. I thank the distinguished majority leader for his efforts.

This issue is not going away. We owe it to the seniors of this country. It is a terrible disservice not to pass this legislation at this time, although I certainly understand why the other side might object.

We could have passed this long ago. I hope that we can do it as soon as possible beginning next year.

#### THE LINE-ITEM VETO

Mr. MCCAIN. Mr. President, before I yield the floor, I want to mention one other issue.

Many of us, including the Senator from Indiana, who is here, have worked long and hard on the line-item veto. We worked on the line-item veto irrespective of who the President of the United States was.

I would like to express my deep disappointment that the conference has not acted since February when we passed the line-item veto and we have come to a great impasse on the line-item veto and have not given it to the President of the United States.

Again, I am going to sound obstructionist, but this issue will have to be brought up also as an amendment and for debate if we are not willing to have a conference meet and the conference decide to pass this. It was passed by over 70 votes when we passed it through the Senate, with a far higher majority in the House of Representatives.

When we ran on this side of the aisle in 1994, we made a commitment to pass a line-item veto and to give it to the President of the United States irrespective of the party affiliation of that President.

Mr. President, I yield the floor.

#### EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to begin consideration of the START II treaty.

##### ORDER OF PROCEDURE

Mr. DOLE. Mr. President, I think the Democratic leader and I want to be in a position to announce that there probably will be no more votes today.

I think on the START II Treaty, which is now pending under an agreement, I promised the Senator from New Mexico a couple of weeks ago that we would try to do this before we left.

It is my understanding—in fact, the Presiding Officer is one of the principal players—the bill will be managed on this side by the distinguished Senator from Indiana, Senator LUGAR, and he advises me that it may not be necessary to have a rollcall. There may be one amendment in the process of being resolved.

Senator THURMOND has suggested that we go only as far as presentation of the resolution of ratification—that would be satisfactory with me if it is satisfactory with the Democratic leader—because he would like to have the President sign the Defense authorization bill and not finally dispose of the START II until the President has made a determination.

But I think, based on what I have been able to find out in the last few minutes, if it is satisfactory with the Democratic leader, I think we could announce that there will no more votes today.

Mr. DASCHLE. Mr. President, I appreciate the majority leader's cooperation on this issue.

It appears that there is one outstanding issue that may or may not be resolved with a rollcall vote. If we could make it in order that the amendment and presentation of the resolution of ratification be the only matters pending relating to START and the return, I think we can accommodate the schedule and it will please all of those involved in the negotiations.

Mr. DOLE. Mr. President, I believe we can also dispose of nearly all of the nominations on the Executive Calendar. Of course, anything that we can do by unanimous consent—I think the Senator from Delaware and the Senator from Utah have a bill that will take 1 hour, and it will not require a rollcall vote, on victims' restitution.

Mr. BIDEN. That is correct.

Mr. DOLE. Perhaps that can be disposed of today, and any other matters that we can dispose of on a consent basis—obviously, we will be here later today.

So, based on that comment from the Democratic leader, I think we will announce there will be no more votes today, no votes tomorrow, no votes on Sunday, no votes on Monday, and no votes on Tuesday.

Mr. BYRD. Mr. President, will the distinguished leader yield?

Mr. DOLE. I am happy to yield.

Mr. BYRD. I hope we will have a rollcall vote on the treaty. So, we can be assured of that at some point.

Mr. DOLE. Yes.

Mr. BYRD. I thank the leader.

Mr. DOLE. I think it is a very important treaty. We should have a rollcall vote.

Mr. THURMOND. May I make inquiry? As I understand, there will be no votes before Christmas, final vote on this treaty? Is that correct?

Mr. DOLE. That is correct, according to the wishes of the distinguished Senator from South Carolina.

Mr. THURMOND. Does that give the President a chance to sign the defense bill?

Mr. DOLE. I think once he recognizes the merit of it, certainly he will be disposed to sign it.

Mr. THURMOND. It is to his advantage and to the advantage of the troops and to the advantage of the defense for him to sign it.

Mr. DOLE. I thank the Senator.

Mrs. HUTCHISON. Will the majority leader yield?

Mr. DOLE. Yes.

Mrs. HUTCHISON. Mr. President, if the Senator will yield for a question, I just wanted to ask about the House resolution that will cover veterans.

Mr. DOLE. We are working on that. The two leaders have discussed not only that provision, but the District of Columbia, foster care, and AFDC. It is our hope that before we leave here today, we can reach some accommodation.

I have also discussed that with the distinguished Senator from New Hampshire, Senator SMITH, who is very interested particularly in the veterans part having had a phone call this morning from a veteran friend of his.

So, hopefully, we can resolve that. The Senator from Massachusetts has an interest in that, too.

#### TREATY WITH THE RUSSIAN FEDERATION ON FURTHER REDUCTION AND LIMITATION OF STRATEGIC OFFENSIVE ARMS (THE START II TREATY)

The PRESIDING OFFICER. The Chair will announce that the clerk will report the treaty, which is the pending business, and then recognize Senators.

The legislative clerk read as follows:

Treaty document No. 103-1, Treaty with the Russian Federation on further reductions and limitation of strategic offensive arms, the START II treaty.

The Senate proceeded to consider the treaty.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

#### VETERANS

Mr. WARNER. Mr. President, I wish to associate myself with the remarks of the distinguished Senator from Texas. I am reassured that the leader will try to work out this matter with respect to the veterans. The Senator from Texas has taken a lead on this. Senator SIMPSON, the chairman of the Veterans Committee, and myself and the Senator from Texas will be monitoring this through the day.

Thank you very much.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know we have before us an extremely important measure which Senator LUGAR and Senator PELL are going to lead and manage on the floor.

I had an opportunity to talk to both Senator PELL and Senator LUGAR. It is with their acquiescence that they are going to permit me to speak very, very briefly on another matter and that those comments would be at an appropriate place in the RECORD.

So I do not intend to be more than 5 or 6 minutes. But it is on a matter which I think needs addressing.

## CAMPAIGN DISINFORMATION

Mr. KENNEDY. Mr. President, the Republican campaign of disinformation on their unfair Medicare cuts continues in full swing. Now it has reached a new low with a gross distortion of the views on Medicare of President Clinton and the First Lady Hillary Rodham Clinton. A television advertisement, sponsored by the Republican National Committee, purports to show Mrs. Clinton endorsing the deep Medicare cuts in the Republican budget plan.

The advertisement is a good example of the depths to which the Republican Party is willing to sink in order to defend its unfair and destructive plan to slash Medicare. The ad transposes a statement from 1993 about the Clinton plan and tries to make it appear that it is an endorsement of the Republican program. It ignores three central facts. The Republican plan slashes Medicare to pay for tax breaks for the wealthy, but every dollar of Medicare savings in the Clinton plan was put back into expanded health benefits for the elderly. The Republican plan is rigged to force senior citizens to give up their family doctor and join private insurance plans, but the Clinton plan strengthened Medicare and preserved the right to choose one's own doctor. The Republican plan actually raises costs for working families and will increase the number of the uninsured, but the Clinton plan controlled costs throughout the health system and guaranteed coverage for all.

The first grave distortion is that the advertisement seems to show Mrs. Clinton endorsing the Republican plan. But, in fact, the clip came from 1993 and showed Mrs. Clinton discussing the administration's own health care program.

Equating the Medicare cuts in the Clinton 1993 health reform plan with the cuts in the current Republican budget plan ignores several fundamental facts.

Every dollar cut from Medicare under the Clinton plan was reinvested in expanded health services for the elderly. The Clinton plan provided long overdue new coverage in key areas of Medicare where the greatest gaps now exist—prescription drugs and long-term care.

Under the Clinton plan, senior citizens would have been vastly better off. Under the current Republican plan, they will be vastly worse off. Every senior citizen will pay an additional \$1,200 in premiums over the next 7 years. Every elderly couple will pay \$2,400 more. Senior citizens already pay 21 percent of their limited incomes for health care. Their median income is only \$17,000 a year. They are already facing increases in their private Medigap insurance that will average 30 percent next year. The Medicare cuts and Medicare premium increase under the Republican plan will only make their plight worse.

The Republican plan slashes \$117 billion out of Medicaid as well, even though two-thirds of all Medicaid

spending is for senior citizens and the disabled, including essential nursing home care.

The Republican plan is also rigged to force senior citizens to give up their family doctor, leave Medicare, and join private insurance plans. The Clinton health reform plan preserved Medicare. It preserved senior citizens' right to keep their family doctors. It did not slash Medicare to pay for tax breaks for the wealthy.

Equally important, the Clinton health care reform was not limited to Medicare or Medicaid. It assured health care for every American. By contrast, the Republican budget plan ignores the need for overall reform. In fact, it endangers the quality of care for all those on Medicare and Medicaid, and many others as well.

It is estimated that one-quarter of all hospitals will have to substantially curtail services or will even have to close. The total number of the uninsured could soar to 60 million by 2002.

The respected consulting firm of Lewin-VHI has estimated that the Republican Medicare and Medicaid cuts could add \$70 billion to the health care costs of businesses and workers. Every worker could pay \$1,000 more over the next 7 years as a result of this Republican proposal. This is a program for higher costs and greater health insecurity for every working family—not lower costs and greater health care security.

A final important point is that the Clinton plan would have reduced health care costs throughout the entire health care system. The Republican plan would cut costs only in Medicare and Medicaid. It would therefore perpetuate the current trend toward two health care systems, separate and unequal—a first class system for the affluent who can afford it, and an unfair system for everyone else—especially senior citizens and the needy.

What the Republican plan has in mind for Medicare and Medicaid today is vastly different from what the President and Mrs. Clinton had in mind in their 1993 plan. Republican tactics of obstruction prevented Congress from acting on that plan. The current Republican plan would go further in the wrong direction.

No one has fought harder for health care for all Americans than President Clinton and the First Lady. The Republican TV ad is a cynical attempt to manipulate the public. It deserves to be repudiated for what it is—a devious and descriptive distortion. If this is a harbinger of things to come, the country is in for a long winter's night of Republican dirty tricks.

Mr. President, over the past few days, there have been television advertisements which have inaccurately portrayed Mrs. Clinton in her testimony. I believe it was before the Ways and Means Committee. From these advertisements, one could gather that the President of the United States and Mrs. Clinton were basically at odds in

terms of amounts of cuts on Medicare spending.

What has been left out of the ad is that Mrs. Clinton's testimony, about 2 years ago, was given in support of the President's health care reform program. During the time of the President's program, there were going to be reductions in the escalation of overall spending, but all of the savings that were going to be achieved under the Medicare Program were going to be plowed back into the Medicare system with relief for our senior citizens on prescription drugs and also on long-term care.

So the characterization that Mrs. Clinton is for cutting back Medicare and therefore is in basic agreement with the Republican position is a complete distortion and serious misrepresentation. It is particularly harsh when you look at the totality of the spending cuts not only in the Medicare provision under the Republican plan but also in the Medicaid Program which affects so many of our seniors, particularly those in nursing homes.

Then if you look at the increase in Medicare premiums and also the policy implications of the Republican Medicare proposal, I think these would dampen the opportunities for our seniors to choose their own family physician or remain in the kind of Medicare system that we currently know in this country. No one who followed the health care reform debate and discussion over the last 2 years and listened to Mrs. Clinton could come to any other conclusion than that these Republican ads are a clear distortion and misrepresentation.

I find it particularly troublesome when the final representations are made on that ad that suggest there is a duplicity between the President's position and Mrs. Clinton. There is nothing further from the truth. And to portray that ad out there as being the real truth in conflict with the representations that Mrs. Clinton has stood for in terms of Medicare reform and our own health care reform initiatives, I think is a real gross distortion.

I finally say, Mr. President, as anyone who followed that debate understood, Mrs. Clinton was talking about the totality of savings that were to be achieved under a comprehensive reform program which is really the only way we are going to be able to proceed if we are going to have effective kinds of cost containment and control.

So I just wanted to take a moment of the Senate's time to give, certainly, my impression of that ad and to make my colleagues keenly aware of exactly what Mrs. Clinton was testifying to and what her position was in 1993. It has been distorted. It has been misrepresented. I think it is a serious disservice.

I see in the Chamber my friend and colleague from West Virginia, Senator ROCKEFELLER, who is a real leader in the battle for comprehensive reform, and I inquire of him whether his view

about that ad is similar to the one that I have just represented?

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. ROCKEFELLER. In responding to the Senator from Massachusetts, it is really a matter, I think, of fundamental shock as well as distortion of truth that these ads are portraying. What we have been doing in the course of this particular year 1995 is looking at Medicare and Medicaid all by themselves without any sort of thought about comprehensive health care reform at all, which means it is like you are trying to take a gigantic system and just reorganize one part of it.

What Mrs. Clinton was talking about a year or more ago in this television ad, she was in the process of leading an effort, along with the President and the rest of us, which did not succeed, to try to reform health care as a whole and to really give a chance for Medicare and Medicaid to take their proper role within a reformed total health care system in the private sector.

So to the Senator from Massachusetts, I would say he is absolutely right. All of those cuts she was talking about were being plowed right back into Medicare, into senior citizens in the form of prescription drugs and long-term care. Because there were tremendous efforts being made to control costs in the private sector, there was not any of the cost-shifting involved that we are seeing in the debate this year because it was comprehensive health care, cost control within the private sector, plus the fact that you were not going to have, back then, the situation of doctors refusing to see patients, Medicare patients because perhaps the fee would not be adequate, or you certainly would not have seniors being forced into HMO's and other things. So the choosing of the doctor, the fact that the money was all being put back into Medicare really makes the perpetrators of this ad a rather shameful lot, and it is a tremendous disservice to Mrs. Clinton, who did everything that a human could possibly do to try to make health care better for all Americans.

Mr. KENNEDY. Mr. President, I thank the Senator, and I particularly wish to thank my friends and colleagues, the floor managers, Senator LUGAR and Senator PELL. This matter which is before the Senate now is extremely important, and I am grateful to them for their courtesy in letting us address the Senate briefly on this matter.

I thank the Chair.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I ask unanimous consent that I be allowed to speak as if in morning business for up to 6 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### WORKABLE GOVERNMENT

Mr. BINGAMAN. Mr. President, we are now in the seventh day of the second Government shutdown of the year. This is the longest partial shutdown of our Government in the almost 207 years of our Nation's history.

The commonly held view is that the shutdown results from differences in policy between the Republican-controlled Congress and the President. The Republicans want their economic projections used to calculate the deficit reduction needed to get to a balanced budget. The President wants to ensure that reasonable funding levels are maintained for Medicare, Medicaid, education, environmental enforcement, and so on.

This commonly held view is wrong.

In fact, this crisis in government is not caused by differences between the President and Congress on policy matters. It is caused by the new and radical view that Republican congressional leaders have taken about Congress' constitutional duties and prerogatives.

For the first time in our Nation's history, the congressional government and keep it closed in order to extort concessions from the President on policy issues. House Majority Leader RICHARD K. ARMEY, this week, announced that the House will not send President Clinton a bill reopening the full Government—even temporarily—until there is "a bill for him to sign" that balances the budget in 7 years.

This decision by Congress to shut down the Government until it gets its way is new. No previous Congress has interpreted the Constitution as granting it that right. In a recent interview with the Wall Street Journal, Mr. GINGRICH referred to this newfound right as "the key strategic decision made on election night a year ago." Mr. GINGRICH stated;

If you are going to operate with his [the President's] veto being the ultimate trump, you have to operate within a very narrow range of change. \* \* \* You had to find a trump to match his trump. And the right not to pass money bills is the only trump that is equally strong.

So, for the first time in our national life we have congressional leadership that believes it has the constitutional right to close the Government and keep it closed until Congress prevails. The immediate disagreement is about a whole tangle of budgetary issues, but if Congress has the right to close the Government in this disagreement, presumably it has that right whenever the President has the temerity to stand his ground on any issue. If the closing of Government is an inherent right of the Congress, then all powers of the President are necessarily subordinated.

Those who wrote our Constitution never intended that the Congress have any such right as is now claimed. They set out a system of checks and balances among the branches of government and provided a method of resolving differences including a right of the President to veto legislation and the right of Congress to override that veto.

But underlying all these checks and balances between the branches of government, those who wrote the Constitution assumed an obligation and desire on the part of all to maintain what Justice Jackson referred to as a "workable government." (343 U.S. 579, 635 (1952)).

When our Founders embarked upon the task of bringing to life the constitutional system devised in Philadelphia in 1787 and approved by the State ratifying conventions, it was the legislative branch of our new Government which they called on to commence proceedings under the Constitution.

Pursuant to that call, the Congress met in New York in 1789, organized itself, and provided for the counting of the Presidential electoral votes and the inauguration of the President. The Congress then passed legislation to establish the great departments of the executive branch, to provide for the organization of the judicial branch, and to furnish appropriations to enable all the branches of our new National Government to perform their constitutional functions.

It would be, Mr. President, frankly unimaginable to our Nation's Founders that our branch, the first branch of government, whose duty it was to bring to life the Framers' plan, would ever think that it was within its purview to disable that plan by refusing to perform the Congress' primary constitutional responsibilities.

But the Republican leaders of Congress today are doing just that—refusing to perform the Congress' primary constitutional responsibilities. They believe they have "the right not to pass money bills" and can use that so-called right as the "ultimate trump," as Mr. GINGRICH puts it, in their disagreements with the President.

Mere policy differences, no matter how important, are not at the core of the present Government crisis. There have been many times in our history when policy differences between Congress and the President were great and were strongly held. The real cause of this crisis is the inflated and radical view taken by Republican congressional leaders concerning the rights of the Congress under the Constitution. What they claim as a right is instead an unprecedented abuse of power. Until a majority of each House of Congress recognizes this, the "workable government" which the Founding Fathers contemplated will remain at risk.

Thank you Mr. President, and I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Thank you, Mr. President.

#### FUNDING FOR MEDICAID

Mrs. MURRAY. Mr. President, I hold in my hand today a letter to President Clinton that is signed by all 46 members of the Democratic Caucus. This